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HOUSE BILL 2031

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 2; Title 16 and Title 17, relative to the election of judges of the Supreme Court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section,16-3-101, is amended by deleting subsection (b) in its entirety.

SECTION 2. Tennessee Code Annotated, Title 16, Chapter 3, Part 1, is amended by adding the following new section:

Section 16-3-104.

(a) Notwithstanding any other provision of law to the contrary, at the regular August election in 2006 and every eight (8) years thereafter, and at the primaries preceding such elections, or if an election for a vacancy in such office occurs prior to the 2006 August election, all elections for the office of judge of the supreme court shall be conducted in accordance with this section and all vacancies in the office of judge of the supreme court shall be filled as provided in Tennessee Code Annotated, Section 17-1-301(c).

(b) Judges of the supreme court shall be elected as follows: one (1) of the supreme court judges shall be elected from each of the three (3) grand divisions and two (2) of the supreme court judges shall be elected from the state at large. Each candidate shall reside in the grand division for which the candidate is elected and the two (2) candidates elected for the state at large shall not reside in the same grand division.

(c) The candidate receiving the highest number of votes for any one (1) grand division of the state, and the two (2) candidates receiving the highest number of votes for the “state at large” shall be declared to be the five (5) judges of the supreme court. If the two (2) candidates receiving the highest number of votes for the supreme court from the “state at large” reside in the same grand division of the state, the candidate receiving the second highest number of votes from a separate grand division shall be declared elected.

(d) Any candidate for the office of judge of the supreme court shall file a nominating petition as provided in Tennessee Code Annotated, Section 2-5-101.

(e) Political parties shall nominate their candidates for the office of judge of the supreme court by vote of the members of the party in primary elections conducted in accordance with Tennessee Code Annotated, Title 2, Chapter 13, Part 2.

SECTION 3. Tennessee Code Annotated, Section 17-1-301, is amended by deleting subsection (c) in its entirety and substituting instead the following:

(c) If a vacancy occurs during the term of office of a judge of the supreme court, then the vacancy must be filled by the qualified voters of the grand division in which the vacancy occurs or the state at large, as appropriate, at the next regular August election occurring more than thirty (30) days after the vacancy arises in the manner provided in Tennessee Code Annotated, Section 16-3-104. The governor shall appoint a person to

discharge the duties of judge of the supreme court until August 31 following such election in the manner provided by Tennessee Code Annotated, Section 17-4-118, for trial court judges.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.